

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 905A
Zoning Commission Case No. 00-07MM/99-02M/87-19C
(Modification to the Planned Unit Development
at 1000 K Street, N.W.)
April 10, 2000

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia was held on April 10, 2000. At the meeting, the Zoning Commission approved an application from UDG New York, L.L.C. (UDG) for a minor modification to an approved planned unit development (PUD) at premises 1000 K Street, N.W., pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. Because the modification was deemed minor, a public hearing was not conducted.

The Commission determined that this modification request is properly before it under the provisions of Subsections 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

By Z.C. Order No. 905, dated October 8, 1999, the Commission modified an approved PUD for Lot 23, Square 343 to change the use and design of an office building to a hotel near the site of the new D.C. Convention Center. The hotel, approved in Z.C. Order 905, is to be 130 feet in height with 14 floors and a 10.5 FAR and 268,800 square feet of gross floor area. Underground parking for 165 cars is to be provided.

UDG seeks a minor modification in the nature of an alternative to the approved PUD in order to conform with specific design requirements of the hotel franchisor with which UDG is close to signing a contract. In order to conform to the design requirements of this franchisor, the modified plans call for the hotel to include an atrium at the front, as well as a minimum two-story restaurant on the first floor and a two-story exercise room moved to the southwest corner of the second floor. This modification will cause a loss in sleeping room space such that, in order to compensate for this lost space, the hotel design has been altered so that the western wall (alley side), which previously jogged in approximately 16 feet in the middle from the third through fourteenth floors, is now flush for its entire length to accommodate the franchisor's room dimensions. This wall abuts the alley, which bisects the square.

Additionally, the minor modification will reduce the total number of sleeping rooms from 472 regular rooms and suites to 383 suites. This change, like the others, is being requested due to the franchise requirement that its hotels consist exclusively of suites instead of smaller non-suite rooms.

The requested minor modification will not affect any of the other conditions to the approved PUD. Signage, landscaping, lighting and roof treatment will still correspond to the plans submitted by UDG previously, marked as Record Exhibit 51. Additionally, the applicant fully intends to fulfill its commitment to develop 25 market-rate housing units at 1223 and 1229 12th Street, N.W. in compliance with the plans previously submitted and marked as Record Exhibit 23. The proposed modification will not have any adverse impact on the surrounding areas or the operation of the District services and Facilities.

UDG is close to finalizing a contract with the above-referenced franchisor, but until such a contract is actually finalized, UDG asks that the Commission approve the requested minor modification as an alternative to the PUD approved by Z.C. Order No. 905. By doing so, the Commission allows UDG the necessary flexibility to move ahead with the project, as expeditiously as possible, whether a franchise agreement is developed with this franchisor or another franchisor.

Copies of the PUD modification request were hand-delivered to Advisory Neighborhood Commission (ANC) 2F, the only other party to the approved PUD, on March 24, 2000. The ANC did not formally participate in this minor PUD modification application.

On April 10, 2000 at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and granted approval of the minor modification to the approved PUD.

The Zoning Commission concurs with UDG that approving the application is appropriate and not inconsistent with the intent of 11 DCMR, Subsections 2409.9 and 3030.

The Zoning Commission further believes that its decision is in the best interests of the District of Columbia and is consistent with the intent and purpose of the Zone plan as embodied in the Zoning Regulations and the Zoning Act.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Zoning Commission concludes that the proposed modification is minor and does not change the intent of the previously approved Zoning Commission Order No. 905. Further, the Commission believes that its decision is in the best interests of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

The approval of the modification is not inconsistent with the Comprehensive Plan. Further, the proposed modification, in the nature of an alternative to the previously approved PUD, does not seriously impact the function served by the project-the provision

of a quality hotel within proximity to the new D.C. Convention Center. Other than those modest changes specifically mentioned, no other condition of the approved PUD will be affected. The material facts relied on by the Commission in approving the modified PUD in Z.C. Order No. 905 have not changed. The modification is so minor that consideration as a Consent Calendar item without a public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law provided herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a minor modification of an approved PUD for Lot 23, Square 343 at 1000 K Street, N.W. The approval of this minor PUD modification, as an alternative to the previously approved PUD, is subject to the following guidelines, conditions and standards:

The project shall be constructed either in accordance with the Z.C. Order No. 905 or this order (Z.C. Order No. 905A). If the project is built pursuant to this order, it will be constructed in accordance with the plans marked as Exhibit 1 of the record. The minor modification shall allow for modest design changes consisting of an atrium at the front of the building, a minimum two-story restaurant on the first floor, a two-story exercise room moved to the southwest corner of the second floor, the redesign of the western wall so that it is now flush for its entire length, a change in the total number of sleeping rooms from 472 regular rooms and suites to 383 suites, and very minor changes to window configurations.

Pursuant to the intent of 11 DCMR 2409.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the minor PUD modification until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 905 with the land records of the District of Columbia. That Notice of Modification shall include true copies of Z.C. Order No. 905 and this order (Z.C. Order No. 905A), which the Director of the Office of Zoning has certified. The recordation of the Notice of Modification shall bind UDG and any successors in title to construct on and use this site in accordance with this order and any amendments thereof.

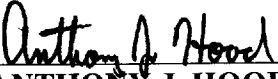
After recordation of the Notice of Modification, UDG shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Zoning Commission.

The minor PUD modification, as an alternative to the previously approved PUD, shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in Subsections 11 DCMR 2409.2 and 2409.3 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.


Vote of the Zoning Commission taken at its public meeting on April 10, 2000 by a vote of 5 – 0 (Carol J. Mitten, Herbert M. Franklin, Kwasi Holman, Anthony J. Hood and John G. Parsons, to approve).

The order was adopted by the Zoning Commission at its public meeting on April 10, 2000, by a vote of 5 – 0 (Carol J. Mitten, Herbert M. Franklin, Kwasi Holman, Anthony J. Hood, and John G. Parsons, to **APPROVE**).

In accordance with the provisions of 11 DCMR 3028.8, this order shall become final and effective upon publication in the D.C. Register; that is on APR 21 2000.



ANTHONY J. HOOD
Chairman
Zoning Commission



JERRILY R. KRESS
Director
Office of Zoning